



Docket No.: M4065.0743/P743
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Steven T. Harshfield, et al.

Application No.: 09/853,233

Group Art Unit: 2823

Filed: May 11, 2001

Examiner: William D. Coleman

For: PCRAM MEMORY CELL AND METHOD
OF MAKING SAME

DECLARATION OF TERRY L. GILTON
CALLING ATTENTION TO INFORMATION
PURSUANT TO 37 C.F.R. § 1.56

Commissioner for Patents
Washington, DC 20231

Dear Sir:

I, Terry L. Gilton declare and state as follows:

1. I reside at 3149 E. Nature Dr., Boise, ID 83706.
2. I am a project manager at Micron in charge of research and development of new memory devices based on variable resistance materials such as doped chalcogenide glass, including the subject matter disclosed and claimed in the above-captioned application. I have held this position since April, 2000.
3. Micron Technology, Inc. ("Micron") is the assignee of the invention claimed in the application identified above.

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4. I am making this Declaration in order to bring to the attention of the Patent and Trademark Office information which may be deemed material to the prosecution of this application.

5. To my best information and belief, on March 22, 2000, Micron entered into a Research and License Agreement ("Agreement") with Axon Technologies Corp. (Axon) and Michael Kozicki ("Kozicki"), pursuant to which Axon and/or Kozicki would perform certain research on behalf of and provide information to Micron with respect to Programmable Metallization Cell Technology ("PMC Technology"), which is based on metal-doped chalcogenide materials.

6. To my best information and belief, pursuant to the Agreement, the requirement by Micron to keep information received from Axon and/or Kozicki confidential has now expired.

7. Pursuant to the Agreement, on April 6, 2000, Kozicki, an employee of Axon and a professor at Arizona State University ("ASU"), gave a presentation to several members of my project team on the topic of PMC. I was also present at this presentation. Copies of a handout and slide show from this presentation are attached as Exhibit 1. A PMC cell structure employing an "active-in-via" arrangement is disclosed in section 1.3.1 and Fig. 1 of the handout and page 5 of the slide show.

8. Pursuant to the Agreement, on or about September 5, 2000, Axon also sent Micron several Kozicki invention disclosures, one of which was entitled "Programmable Metallization Cell With Floating Electrode," and identified as M1-008. A copy of the cover letter forwarding the disclosures is attached as Exhibit 2, while a copy of the invention disclosure is attached as Exhibit 3. A PMC cell structure with a floating electrode is disclosed on pages 4-5 of Exhibit 3.

9. To the best of my knowledge, the subject matter described in Exhibits 1-3 was not disclosed in any publication or otherwise publicly disclosed prior to the respective dates they were delivered to Micron.

10. The information disclosed in the attached Exhibits may or may not be "material" pursuant to 37 C.F.R. § 1.56. The disclosure of this information is not intended as an admission that it is material or that it constitutes prior art with respect to the invention claimed in the above-captioned application.

11. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information or belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of this declaration, the present application, or any patent resulting therefrom.

11/24/03

Date



Terry L. Gilton, Phd.